

Remarks

This Amendment After Final Action is in response to a Final Office Action in the above-listed matter, mailed 25 May 2010. This Amendment is being filed with a Request for Continued Examination, a Petition for a three-month extension of time, and the requisite fees enclosed by way of credit card authorization. This Amendment After Final Action does not increase the total number of claims nor does it increase the total number of independent claims. Accordingly, claims-related fees are not necessitated.

For the Claims:

Claims 1-24, 26-28, and 30 were pending in this application prior to this amendment. This Final Office Action rejected claims 1-24, 26-28, and 30. Applicant amends claims 1, 6-8, 14, 15, 20, 21, 27, and 28, and retains claims 2-5, 9-13, 16-19, 22-24, 26, and 30 as originally or previously submitted. Applicant respectfully requests reconsideration.

This Office Action rejects claims 1-11, 14, 22, 25-28, and 30 under 35 U.S.C. §102(b) as being anticipated by Prasad, EP 1058217. Prasad discloses systems and methods for transferring funds from a primary account to a recipient that is not an account holder on the primary account. More particularly, Prasad discloses a system and methodology in which a primary account of an account holder is linked to a transfer account (col. 6, [0029]). The transfer account is funded through a transfer of funds from the primary account by the primary account holder. An intended recipient of funds from the transfer account can use a sibling card associated with the transfer account at, for

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example, an ATM machine, in order to receive the funds (col. 9-10, [0051]).

Independent claim 1 is being amended to more clearly point out the transfer of funds between two distinct and independent payment cardholder accounts. More particularly, amended independent claim 1 defines "a first payment cardholder account associated with a first cardholder" and "a second payment cardholder account associated with a second cardholder, said first and second cardholder accounts being unassociated with one another." Claims 6-8 and 15 depend from claim 1 are being amended to correspond with the modifications to claim 1 and/or for improved clarity and readability.

It will be observed that the claim modifications specifying the distinct and independent payment cardholder accounts are first presented in the preamble. However, well-established patent practice dictates that if the preamble helps to determine the scope of the patent claims, then the preamble may be a necessary component of the claimed invention. As stated in Seachange International Inc. v. C-COR Inc., 75 U.S.P.Q.2d 1385, 1394 (Fed Cir. 2005):

[I]f the preamble helps to determine the scope of the patent claim, then it is construed as part of the claimed invention.

As further stated in NTP Inc. v. Research In Motion Ltd., 75 U.S.P.Q.2d 1763, 1781 (Fed. Cir. 2005):

"When the limitations in the body of the claim rely upon and derive antecedent basis from the preamble, then the preamble may act as a necessary component of the claimed invention."

The limitations in the body of the claim, namely the two generating operations, indeed rely upon and derive antecedent basis from the preamble since the limitations now include subject matter directed toward debiting said funds from said first payment cardholder account and crediting said funds to said second payment cardholder account. Thus, the amended preamble gives life and meaning to the remainder of the subject matter of claim 1 and is construed as part of the claimed invention.

Sufficient support for the subject matter of claim 1 can be found through review of the Background of Invention section which discusses the need for improved funds transfer systems and refers to the relevant prior art as being U.S. Patent No. 5,949,044, Paypal, bank drafts, and wire transfers. All of these systems and methodologies involve the transfer of funds between unassociated accounts. It follows, therefore, that the same circumstances are intended in the claimed invention. Additionally, paragraph [0049] teaches how it is necessary for the second cardholder details to be entered. Entry of the second cardholder details is necessary because the accounts are unassociated. In other words, if the first and second payment cardholder accounts were associated, such entry of the second cardholder details would not be necessary.

Paragraph [0071] teaches how once the first and second transactions have been processed, the first cardholder will have a debit against their payment card account, whereas the second cardholder will have an equivalent credit on their payment card account. And still, paragraph [0078] teaches how a transfer of funds can be affected from a first cardholder to a second cardholder without either of the cardholders having to reveal their card details to the other. The specific reference to the two cardholders having their own payment card accounts and not

being required to reveal their card details to one another again provides further evidence of the unassociated nature of the first and second payment cardholder accounts.

Prasad clearly and expressly teaches of a transfer account linked with a primary account for the purpose of transferring funds. See, for example, col. 2, [0011]; col. 5, [0026]; col. 6, [0029]; col. 6 [0029], col. 6, [0031]; col. 15, claim 1; and so forth. The link between a primary account and a transfer account is necessary in the Prasad system for facilitating funds transfer according to the Prasad disclosure (col. 6, [0029]), while minimizing branch interaction and branch resources with respect to replenishment of the transfer account (col. 7, [0034]).

The “linked” feature of Prasad’s primary account and transfer account is in strong contrast to amended independent claim 1 in which the transfer of funds between two unassociated accounts, namely a first payment cardholder account associated with a first payment cardholder and a second payment cardholder account associated with a second payment cardholder, is carried out. Since the Prasad accounts are necessarily linked, Prasad simply cannot teach methodology that achieves the transfer of funds between unassociated cardholder accounts.

The Response to Arguments (page 2) set forth in this Final Office Action, alleges that A) a first merchant terminal can be found in FIG. 3 (element 26, ATM) and B) a second merchant terminal can be found in FIG. 3 (element 28, ATM). This Final Office Action (pages 3-4) indicates that Prasad teaches methodology for transferring funds from a first payment cardholder (sibling card 22) at a first merchant (ATM 26) to a second payment cardholder (presumably sibling card 24 of FIG. 3) at a second merchant (ATM 28). This Final Office Action further

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alleges that Prasad teaches the generating step b. where funds are debited from the first cardholder (sibling card 22) and the funds are credited to the first merchant (ATM 26) and that Prasad teaches the generating step c. where the funds are debited from the second merchant (ATM 28) and the funds are credited to the second cardholder (sibling card 24).

Applicant respectfully submits that the intent of ATM machines (26 and 28) and sibling cards A and B (22 and 24) is being misinterpreted in an attempt to deprecate the invention of claim 1. In no way does Prasad teach, suggest, or otherwise imply that funds are being transferred from a user of sibling card A 22 via ATM 26 to a user of sibling card B 24 via ATM 28 as alleged in the Office Action. Rather, FIG. 3 is presented in Prasad to illustrate a scenario in which two separate users of sibling cards A and B, 22 and 24, can access funds in the same transfer fund 12.

Prasad expressly defines the terminology "sibling card" to describe the device or vehicle utilized by a recipient of funds from the transfer account to access the transfer account (col. 7, [0038]). As discussed in Prasad at col. 11, [0059] and in connection with FIG. 1, an individual 10 may open a transfer account 12. A fulfillment center 20 is notified of the account opening and is authorized to send sibling cards A and B to receivers 22 and 24. In connection with FIG. 3, Prasad further explains at col. 12, [0063], that a sibling card holder, 22 or 24, may utilize the sibling card A or B to access an ATM 26 or 28, and a funds limit placed on the sibling card is verified.

Thus, in light of the Prasad teaching, a "first payment cardholder" akin to the subject matter of independent claim 1 may be the individual 10 who deposits money in the transfer account

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and "a second payment cardholder" may be either of the receivers/sibling card holders 22 or 24. But, even subject to this more appropriate interpretation of Prasad regarding what constitutes a first payment cardholder and a second payment cardholder, Prasad still fails to teach or suggest the subject matter of claim 1 which achieves funds transfer from a first payment cardholder account associated with a first cardholder to a second payment cardholder account associated with a second cardholder, the first and second payment cardholder accounts being unassociated with one another.

For the reasons set forth above, the subject matter of amended independent claim 1 is indeed novel and inventive over Prasad. Claims 2-14 and 26 depend directly or indirectly from claim 1. As such, the subject matter of claims 2-14 and 26 is also novel and inventive at least by reason of dependency.

Each of independent claims 15, 27, and 28 are being amended along lines similar to claim 1. In particular, claims 15, 27, and 28 include the subject matter of transferring funds from a first payment cardholder account associated with a first cardholder to a second payment cardholder account associated with a second cardholder, the first and second payment cardholder accounts being unassociated with one another.

The subject matter of amended independent claims 15, 27, and 28 is novel and inventive over Prasad for the reasons set forth above in connection with claim 1. Claims 16-24 and 30 depend directly or indirectly from claim 15, and claims 20 and 21 are being to correct inconsistencies in terminology. The subject matter of claims 16-24 and 30 is also novel and inventive at least by reason of dependency. Accordingly, it is respectfully

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requested that the rejection of claims 1-11, 14, 22, 25-28, and 30 under §102 in view of Prasad be withdrawn.

This Office Action rejects claims 12, 13, 23, and 24 under 35 U.S.C. §103(a) as being unpatentable over Prasad, and further in view of Meyer et al., U.S. Patent Publication No. 2002/0128967 (hereinafter Meyer). Meyer discloses a bar coded bill payment system and method.

Claims 12 and 13 depend from amended independent claim 1, and claims 23 and 24 depend from amended independent claim 15. Claims 12, 13, 23, and 24 are non-obvious over a combination of Prasad and Meyer due at least in part by their dependency from corresponding claims 1 and 15. Accordingly, it is respectfully requested that the rejection of claims 12, 13, 23, and 24 under §102 in view of a combination of Prasad and Meyer be withdrawn.

Accordingly, this Amendment amends claims 1, 6-8, 14, 15, 20, 21, 27, and 28. Currently amended claims 1, 6-8, 14, 15, 20, 21, 27, and 28 remain in the application and are believed to be allowable. In addition, claims 2-5, 9-13, 16-19, 22-24, 26, and 30 remain in the application as originally or previously submitted and are believed to be allowable.

Applicant believes that the foregoing amendments and remarks are fully responsive to the rejections and/or objections recited in the 25 May 2010 Office Action and that the present application

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is in a condition for allowance. Accordingly, reconsideration of the present application is respectfully requested.

Respectfully submitted,

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